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Malawi

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Introduction

1. Malawi was reviewed under the Universal Periodic Review in November 2010. The national Report for the second cycle was prepared by a National Task Force on Universal Periodic Review chaired by the Ministry of Justice and Constitutional Affairs. The Task Force is made up of Government Ministries, Departments and Agencies, Governance institutions and civil society organizations. The full list of members of the Task Force is attached hereto as **Annex 1**.

2. The seventy one (71) accepted recommendations in 2010 relate to the following areas: rights of women and gender equality; child rights; protection of vulnerable groups; international cooperation; the justice system; social economic development; national human rights institutions; and protection of human rights generally.

Key political developments since last review

3. Since 2010, Malawi has undergone two peaceful political transition processes. Firstly, in April 2012, following the death of the country's third President, the Vice President assumed the Presidency as Malawi's fourth President since independence. On 20th May 2014, Malawi held her first ever tripartite elections, electing a fifth post-independence President, Members of Parliament and Local Government Councillors.

Constitution

4. The general framework for human rights is created by the Constitution. The Constitution, where specific rights are contained, provides for a model which comprises the institutional and enforcement framework; *locus standi*; specific rights; limitations and restrictions; and derogation from rights. The Constitution also provides for Principles of National Policy which are 'directory in nature' but the courts are entitled to have recourse to them in interpreting and applying any provision of the Constitution or law in determining the validity of decisions of the Executive branch and in the interpretation of the Constitution.

5. The institutional and enforcement framework for human rights creates such institutions as the courts; the Office of the Ombudsman; the Human Rights Commission and other organs of Government. Other institutions such as the Law Commission which is mandated to review and reform all laws, including the Constitution, also have a significant role to play in promoting and protecting human rights. Since the Constitution renders discriminatory practices and their propagation criminally punishable, institutions such as the Malawi Police Service and the Prisons Service also have a role to play in the promotion, protection and fulfillment of human rights.

6. The Bill of Rights is complemented by an international human rights system which has several instruments at international, continental and regional levels. The major international human rights instruments include the Universal Declaration on Human Rights; the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the African Charter on Human and Peoples Rights (ACHPR); the Protocol on the Rights of Women (AU Women's Protocol) and the SADC Protocol on Gender and Development. The Constitution sets out strict conditions for the limitation or restrictions for rights enshrined under the Constitution. It requires that the restriction or limitation should be prescribed by law of general application; is reasonable; does not negate the essential content of the right; is recognized

by international human rights standards; and is necessary in an open and democratic society.

7. The Constitution, in line with prominent international human rights instruments, permits derogation, limitation and restriction of human rights. Derogation, during a state of emergency with respect to some specified rights, such as freedom of expression, freedom of information, freedom of movement, freedom of assembly is permitted. The rights to be promptly brought before a court of law; and not to be detained without trial; are also subject to derogation. Such derogation however, has to be consistent with Malawi's obligations under international law. In addition, all derogation measures, such as the detention of suspects without trial are subject to applications and challenges in the High Court.

Human rights and governance institutions

8. Malawi has several institutions which play significant roles in the protection of human rights. These include the Human Rights Commission; the Ministry of Justice and Constitutional Affairs; the Office of the Ombudsman; and the Law Commission. Presently, the Ministry of Justice and Constitutional Affairs and the Human Rights Commission are leading the process of drafting a National Human Rights Action Plan with support from the United Nations Development Programme.

9. Since 2011, the Office of the Ombudsman has been involved in various activities in order to promote good administrative practices, rule of law, good governance and respect of human rights. The activities include public awareness; raising awareness among stakeholders on the functions and role of the Ombudsman; and consolidating Good Administrative Practices and Democratic Values. The office undertook institutional strengthening activities in order to address some of the challenges identified in the past. These are: institutional assessment; staff development; and recruitment.

10. The Ombudsman is a beneficiary of the Human Rights Support Project sponsored by United Nations Development Programme (UNDP). It is a 4 year project running from 2012 to 2016. The project aims at supporting national efforts to strengthen mechanisms and institutions to promote norms and good practices and foster stronger democratic accountability. One of the key activities under this project is the review of the Ombudsman Act with the aim of clarifying the jurisdiction and functions of the Ombudsman in order to increase its effectiveness.

11. The Law Commission is responsible for law reform. In carrying out this mandate, the Commission is required to undertake a participatory process of developing legislation. The Law Commission is also mandated to modernize laws by bringing them in accord with the Constitution, international conditions and norms. The Law Commission has always made effort to harmonize national legislation with its commitments undertaken at international level. For example, the Gender Equality Act with Convention on the Elimination of all forms of discrimination against women (CEDAW); the Child Care Protection and Justice Act with the Convention on the Rights of the Child (CRC); and the Disability Act with the Convention on the Rights of People with Disabilities (CRPD). The Prisons Act is under review by the Law Commission, a review process that is expected to be completed by end of 2014. The Legal Aid Bill was enacted into law in 2010. A notice operationalizing the Act was gazetted in May, 2013.

12. The process of review of the Witchcraft Act is still on-going and it is expected that the process will be completed by mid-2015 when the Commission will submit its findings and recommendations to Government for enactment and implementation. The Commission is also finalizing the review of abortion related laws to address maternal health and sexual and reproductive health rights matters related to access to safe abortion. The following Bills

drafted by the Commission during the reporting period are presently before Cabinet before being tabled in Parliament: Trafficking in Persons Bill; Immigration (Amendment) Bill; Penal Code (Amendment) Bill; Extradition (Amendment) Bill; Child Care, Protection and Justice (Amendment) Bill; Employment (Amendment) Bill; Public Service (Amendment) Bill; Legal Education and Legal Practitioners Bill; and the Adoption of Children Bill.

13. The Human Rights Commission has been in the forefront with human rights awareness programmes. According to the Democratic Governance Program Civic Education Follow-up Survey Report of 2012, 55.6% of female and 75.6% of males are aware of their rights. The national level of awareness has improved from 60 percent in 2006 to 64 percent in 2011 when the first similar exercise was conducted. The survey also indicated that more than half of the respondents were aware of the existence of the 10 out of the 14 institutions surveyed. The institutions surveyed were the Police; Prisons; Electoral Commission; traditional leaders; Human Rights Commission; Industrial Relations Court; Law Commission; Ombudsman; ACB; Magistrate Court; High Court; Supreme Court of Appeal; Media; and CSOs.

14. Most widely known institutions include the Malawi Police Service (97.1 percent); traditional leaders (93.3 percent); and the Electoral Commission (81.0 percent). Least known institutions included the Industrial Relations Court (29.0 percent); the Supreme Court of Appeal (40 percent); and the Law Commission (43.3 percent). The Human Rights Commission was known by 70% of the respondents. 56% believed the Commission is effective in its work and 65% indicated that it's relevant.

15. The Commission also produces annual Human Rights Reports. Unfortunately such reports are rarely discussed in Parliament. The Legal Affairs Committee of Parliament however discussed the Commission's 2011 Annual Report during its regular meeting. Parliament also discussed the Commission's Report on the investigations into the 20th July 2011 Demonstrations. There is need for Government to improve on implementation of the recommendations made by the Commission in its various reports. The Commission was also very active in disseminating the 2010 UPR recommendations to various stakeholders such as Members of Parliament, and in 2012 the Commission produced a midterm report on UPR. The Commission's funding has improved over the years from US$120,943 in the 2012/2013 and 2011/2012 financial years from US$ 111, 692 in the 2010/2011 financial year.

International human rights instruments

16. Malawi remains an active player of regional and international 1 human rights systems. As a party to most human rights instruments, Malawi has endeavored to clear a backlog of state party reports. In 2012, Malawi submitted her Initial Report to the Human Rights Committee on the ICCPR. The Report was discussed by the Committee and a Malawian delegation from 9th to 10th July, 2014. In 2013, Malawi also submitted her Initial Report to the African Commission on the African Charter on Human and People's Rights and the Protocol on the Rights of Women. In early 2014, Malawi submitted her periodic report on the CEDAW.. By the end of 2014, Malawi is expected to submit a combined third, fourth and fifth periodic report on the CRC; an initial report on the Optional Protocol to the CRC on the involvement of Children in Armed Conflict; and Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography as well as Initial Report to African Union on the African Charter on the Rights and Welfare of the Child (ACRWC). Presently, Malawi is also drafting reports on the Convention against Torture (CAT); ICESCR; and the CRPD.

17. In July 2013, the Special Rapporteur on the Right to Food Olivier De Schutter visited Malawi at the invitation of the Government. Following his visit, he made several recommendations to the Government which are currently being considered for implementation.

Protection of human rights

18. Since 2011, several steps have been taken to ensure the protection and enjoyment of human rights in Malawi. In relation to rights of persons with disabilities, Malawi adopted the Disability Act in 2012 which provides for equalization of opportunities for persons with disabilities through the promotion and protection of their rights; and provides for the establishment of a Disability Trust Fund, among other things. The main areas for equalization of opportunities include health care services; education and training; work and employment; political and public life; cultural, sporting and recreational activities and services; housing; economic empowerment; information and communication technologies; and research. The Trust Fund is established mainly to support the implementation of disability programmes and services.

19. In 2012, with support from UNICEF, Government conducted a situation analysis on children with disabilities to gather information intended to provide direction for effective development of programmes for them, following which, a National Work Plan on programmes for children with disabilities in Malawi was developed for implementation by the Government and different stakeholders. The plan, among others aims to strengthen coordination in the development and implementation of programmes that promote rights of all children with disabilities in Malawi.

20. In relation to persons in detention, several steps have been taken to ensure that they are kept in humane and decent living conditions. The Malawi Prisons Service has mainstreamed human rights in its system as a necessary measure to upholding total prohibition against torture through incorporation of human rights education within its newly developed prison basic training curriculum. The Department's Policy Statement 2 requires staff to "*observe human rights of prisoners and members of staff*". The Departmental Strategic Plan Document has "provision of humane treatment to inmates" as its strategic outcome.

21. Any officer found torturing, ill-treating or physically abusing a prisoner is punished accordingly. Where staff conduct amounts to crime, it is referred to Police for prosecution. As a measure to ensure effective recourse against any act of torture of those committed in detention centres, the Malawi Prisons Service has appointed a prisoners' social welfare officer for each and every Prison station and rolled out human rights open days in prisons where the Human Rights Commission and other non-state actors conduct human rights awareness activities to prisoners so that they take recourse to appropriate remedies once their rights are violated.

22. As measures to contain overcrowding in prison, the Prisons Service is in the process of formulating Parole Regulations. The Service has developed social report forms for profiling all prisoners on life sentence so that those qualifying should be commuted. A new Registry system based on pre-trial custody time limits has been developed to ensure the tracking of persons in custody and prevent their detention beyond the set custody time limits in the Criminal Procedure and Evidence Code.

23. The Malawi Police Service on its part conducts regular human rights lectures for police officers so that they refrain from acts of torture and to ensure that constitutional rights of suspects of crime are respected. The Internal Affairs Unit investigates all cases of human rights violations while the Service is still working on the establishment of the Police

Complaints Commission as provided in the Police Act. The Lay Visitors Scheme which comprises paralegal officers and local leaders in the vicinity of all Police Stations is fully operational. Members of the Scheme visit cells and inspect conditions of detention and attend to complaints of detainees. All complaints into the allegations of torture or physical abuse are thoroughly investigated; officers involved are usually interdicted to pave way for investigations. Special inquiry teams are sometimes instituted depending on the gravity of the matter with a view to bring to justice everyone suspected to have committed acts of torture and other human rights violations amounting to criminal offence. The Internal Affairs has so far handled 407 cases out of which 349 cases have been investigated.

Justice system

24. The Judiciary, in its endeavor to protect the Constitution and increase access to justice has taken several major steps. A Commercial Division of the High Court building is being constructed in Blantyre, Malawi's commercial hub. Magistrate Court buildings have been constructed or rehabilitated in six districts across the country. The Judiciary plans to have at least 40 High Court Judges. There are currently 10 Justices of Appeal and 24 Judges of the High Court. Two Justices of Appeal and 10 Judges of the High Court were appointed in the period between 2012 and 2014. In 2014, 57 third grade magistrates were appointed to serve in rural areas.

25. The Judiciary in conjunction with the Directorate of Public Prosecutions is in the process of installing a case management system in all its Registries with the aim of increasing efficiency in the way the Judiciary handles criminal case files and reducing the backlog of cases in the courts. A similar version of the case management system was installed in the Commercial Division's Blantyre Registry in 2012 with support from the Business Environment Strengthening Technical Assistance Project (BESTAP).

Child rights

26. The Child Care, Protection and Justice Act (CCPJA) of 2010 sets the foundation for a number of important children rights. The CCPJA, is the most comprehensive piece of legislation for children in Malawi. Currently, the Ministry responsible for the implementation of the Act, the Ministry of Gender, Children, Disability and Social Welfare (MOGCDSW) has developed subsidiary legislation to facilitate the smooth implementation of the CCPJA. It has also developed a costed implementation plan that will facilitate resource mobilization and implementation of the CCPJA.

27. The MOGCDSW is also in the process of simplifying the CCPJA into a user and child friendly version for easy understanding and implementation. It addition to this, Government is also developing a comprehensive policy on children. This comprehensive policy is being developed alongside a Plan of Action for vulnerable children that will operationalize the policy. The goal of the strategic objectives of the National Plan of Action for Vulnerable Children is that by the end of 2018, the survival, protection and development of 1,800,000 vulnerable children in Malawi has been improved through strengthened capacity of families, communities and Government and enhanced policy and legislation. In the realization of the plight of the children living and working on the streets, studies targeting children living and working on the streets were commissioned. The findings of the studies influenced the Ministry to develop a strategic plan for the rehabilitation and integration of children back to their communities and families. The Government also joined the Global Initiative of assessing the extent of violence against children and young women. Malawi conducted a Study on Violence against Children and Young women in 2014. The study revealed the existence of different forms of abuse in

homes and schools among boys and girls. In view of the study findings, the Government is currently developing a national response plan to address violence against children and young women across the country.

28. Child marriage in Malawi is largely attributed to harmful cultural practices, lack of age- appropriate reproductive health information and knowledge, self- efficacy, utilization of services and inadequate legal protection. In view of this, Government plans to increase age of marriage through enactment of Marriage, Divorce and Family Relations Bill. It is envisaged that this process will be followed by the amendments of the Constitution; Penal Code; and Child Care Protection and Justice Act to ensure harmonisation on age of marriage in Malawi. Some civil society organisations have been implementing programmes against child marriage from 2011 to 2015. The programmes largely focus on legislative reform; girls' empowerment; and community awareness using theory of change approach.

29. Malawi is also part of the African Commission campaign to end child marriage and plans are underway to launch the initiative which will among other things ensure support to policy action, remove barriers to law enforcement, increase the capacity of non-state actors to undertake evidence based policy advocacy on ending child marriage. Malawi will also be launching a three years project that targets three districts with high cases of child marriages. The project aims at improving access and quality education for girls. The specific objectives are:

(a) Girls and boys in targeted schools are well nourished and able to stay in school;

(b) Increased access to second chance education for both in and out of school girls;

(c) Quality integrated youth friendly services, resources and structures, addressing CSE, SRHR, HIV/AIDS and GBV in place for both in and out of school girls;

(d) Reduction of violence against girls in targeted schools and communities and effective referral pathways in place;

(e) Teacher attitudes and skills are improved/enhanced to effectively deliver life skills based and gender responsive methodologies;

(f) Adolescent girls are informed and empowered to demand SRHR services, participate and take on leadership positions within the school and the community;

(g) Empowered and committed communities will value quality education for all children, especially girls.

30. In 2010, the MoGCDSW introduced the case management approach. In 2012, the MoGCDSW published the Child Protection Case Management Framework. Community Child Protection Workers and District Social Welfare officers have been trained using the case management framework. This approach has generally improved children's access to multiple services through better referrals and follows ups promoted in the case management framework.

31. There are currently various programmes and policies that support the rights of the child. These programmes and policies are implemented by different sectors related to children issues such as health, education, agriculture, social welfare, security services, among others. Some of the current developments alongside the existing policies and programmes are:

(a) Besides the Early Childhood Development (ECD) Policy: Government has developed guidelines for the caregivers in identifying and supporting children with special

needs has, and developed comprehensive training manual for ECD that includes issues of child rights and women rights;

(b) In respect to Orphans and other Vulnerable Children Policy: Government is developing a National Plan of Action for Vulnerable Children. Government has also developed the Minimum Standards for Quality Improvement in the Delivery of Services to Orphans and other vulnerable children. Currently, Government is developing guidelines for caregivers for the operation of Children Corners in Malawi;

(c) In respect to child protection and rehabilitation services: Government are establishing one stop centres in central hospitals and district hospitals. The purpose it to ensure that survivors of abuse are provided appropriate services without further victimization;

(d) The country continues to implement other child rights promotion policies such as Community Integrated Management of Childhood Illnesses (C-IMCI) Policy; Accelerated Childhood Survival Programme; National HIV and AIDS Policy; Prevention of Mother To Child Transmission (PMTCT) Programme; National Nutrition Policy and Strategic Plan; School Feeding Programme; Nutrition Rehabilitation Units and Therapeutic Feeding.

32. Steps have been taken to deal with the problem of child labour. The Ministry of Labour and Manpower Development developed the National Action Plan (NAP) to provide direction for progressive elimination of child labour from 2009 to 2016. The NAP is linked to legislation, strategies, policies and international instruments on children such as the proposed Trafficking in Persons Bill; Malawi Growth and Development Strategy (MGDS) which is an overarching operational medium-term development strategy for Malawi; National Education Sector Plan (NESP); Agriculture and Food Security Policy; and the National HIV and AIDS Policy; and Malawi Decent Work Country Program (M-DWCP).

33. The Strategic Objectives of the National Action Plan (NAP) include creation of a conducive legal and policy environment through mainstreaming child labour issues in national and sectoral social and economic policies, legislation and programmes by 2014; building and strengthening the technical, institutional and human resource capacity of the stakeholders dealing with child labour; directly combating child labour through the prevention, withdrawal, rehabilitation and re-integration of working children and their families. For child labour elimination, the Government and the other stakeholders have undertaken initiatives that include, prevention through family income security; withdrawal through identification of children below minimum age and in hazardous work; rehabilitation to prevent them from going back to work; protection through risk management; awareness raising campaigns among the society; child labour inspections to spot out the working children; advocacy for change of attitude on child labour; prosecutions; commemoration of child labour open days; setting up Community Child Labour Committees (CCLCs) where they are not in place; where they are available make them live; and formulate the Laws and Policies for enforcement including the by-laws.

34. The Malawi Police Service has developed the Child Protection Policy which includes detailed guidelines for police officers to follow when handling cases involving children both as victims and offenders. One of the objectives of the policy is to ensure promotion and protection of children's rights including victims of trafficking regardless of their circumstances. Police, through the Community Policing Branch, also conducts awareness campaigns on child rights throughout Malawi targeting areas where children are being exploited and trafficked. Under Community Policing, 71 Police Victim Support Units has been established. Police continues providing both in-service and pre-service training for its officers in child protection.

35. At the Ministry of Education, a number of important developments have been undertaken to ensure that children rights are protected and promoted. The curriculum for primary education has life skills component that empowers the school children to protect themselves against any forms of violations to their rights. The sector has also conducted studies in both primary and secondary school which assessed the form of violence taking place and how success forms of violence can be mitigated. A Special Needs Directorate has been set up in the Ministry to specifically deal with special needs school children.

Rights of women

36. In February, 2013, the National Assembly passed the Gender Equality Act. The Gender Equality Act has provided for protection of women from harmful practices; against sexual harassment and sex discrimination. The Gender Equality Act has defined the term "discrimination against women" where a person discriminates against another person if –

(a) on the grounds of sex, he or she treats the other person less favourably than he or she would treat a person of his or her opposite sex; or

(b) he or she applies to the other person an exclusion, distinction or restriction which applies or would apply equally to both sexes but –

(i) which is such that the proportion of one sex who can comply with it is considerably smaller than the proportion of the opposite sex who can comply with it;

(ii) which he or she cannot show to be justifiable irrespective of the sex of the person to whom it is applied; and

(iii) which is to the detriment of the other person because he or she cannot comply with it, with the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise of the rights and fundamental freedoms of that person.

37. The Gender Equality Act also prohibits "harmful practices" defined as a social, cultural, or religious practice which, on account of sex, gender or marital status, does or is likely to undermine the dignity, health or liberty of any person; or result in physical, sexual, emotional, or psychological harm to any person. The Marriage, Divorce and Family Relations Bill has not yet been tabled in Parliament because of the outstanding issues including the prohibition of polygamy and the minimum age for marriage. The Bill is before Cabinet.

38. Multiple training sessions have been conducted on gender related laws including the Gender Equality Act for Magistrates, Police prosecutors, and Social Welfare officers. So far, the MOGCDSW has trained 65 officers from 13 Gender Equality and Women Empowerment Programme implementing districts.

39. The proposed Trafficking in Persons Bill is based on the UN Convention against Transnational Organized Crime whose Protocol on preventing and suppressing trafficking in persons, specifically identifies women and children as being most vulnerable. In the proposed Bill, both children and women are given special protection from trafficking.

40. During the Reporting period, the MOGCDSW has been carrying out the following programmes: Gender Equality and Women Empowerment (GEWE) from 2012 to 2015; National Response to Combat Gender Based Violence which ran from 2008 to 2013 and is currently under review; Increasing Women Representation in Parliament and Local Government dubbed the "50:50 Campaign" from 2009 to 2014; Women, Girls and HIV and AIDS from 2005 to 2012 (expired); Gender Mainstreaming as an on-going semi-permanent programme; and the Economic Empowerment Programme. The Government has reviewed but not yet adopted the National Gender Policy. Although the Gender Policy has not been

formally adopted by Government, it continues to guide programmes in the promotion of women rights including the fight against discrimination and gender based violence. Following the May 20, 2014 Tripartite General Elections, the number of female Members of Parliament has reduced to 32 representing 16.5% and a reduction by 15. Only 56 female Councillors were elected out of a total of 462 Councillors.

41. In an effort to improve coordination for the promotion of women and children rights, the Gender, Children, Youth and Sports Sector Strategy has been developed. The strategy operationalizes the priorities under Theme Six of the MGDS II on crosscutting issues and Sub-theme One on Gender and Priority Area Eight on Child Development, Youth Development and Empowerment. Child Development, Youth Development and Empowerment are also covered under Theme Two on Social Development.

42. The National Social Support Policy (NSSP) was developed as a medium term policy aimed at facilitating implementation of programmes that will provide income or consumption transfers to the poor; protect the vulnerable against livelihood risks; and enhance the rights and social status of the marginalized and vulnerable groups such as the elderly; the chronically sick; orphans and other vulnerable children; persons with disabilities; and destitute families that include women.

43. The country has made efforts to eliminate harmful practices through campaigns against violence during the commemoration of international days against Gender Based Violence such as International Women's Day (8th March every year) and 16 Days of Activism against Gender Based Violence from 25th November to 10th December, every year.

44. Initiatives for the promotion of girl's education in Malawi are ongoing. Government has introduced equality in numbers of learners on recruitment into primary, secondary and tertiary levels of education; the Re-Admission policy in order to allow pregnant schoolgirls to return to school after delivery.

45. The Social Cash Transfer Programme (SCTP) was initiated in 2006 with the aim of providing small cash grants to ultra-poor households without any able-bodied adult household members (labour constrained households). It is currently operational in 9 districts with plans to scale up to all the 28 districts. The objectives of the SCTP are to reduce extreme poverty and hunger; increase school enrolment and attendance; and improve nutrition and health, well-being and protection of children in beneficiary households.

Social economic development

46. As Government's medium term plan for 2011-2016, the MGDS II seeks "to create wealth through sustainable economic growth and infrastructure development as a means of achieving poverty reduction". To achieve this objective, the MGDS II has identified six broad thematic areas namely: (a) Sustainable Economic Growth; (b) Social Development; (c) Social Support and Disaster Risk Management; (d) Infrastructure Development; (e) Improved Governance; and (f) Gender and Capacity Development. Within these six thematic areas, the MGDS II has isolated nine key priority areas (KPAs), namely: Agriculture and Food Security; Transport Infrastructure and Nsanje World Inland Port; Energy, Industrial Development, Mining and Tourism; Education, Science and Technology; Public Health, Sanitation, Malaria and HIV and AIDS Management; Integrated Rural Development; Green Belt Irrigation and Water Development; Child Development, Youth Development and Empowerment; and Climate Change, Natural Resources and Environmental Management. Subsequent to the approval of the MGDS II in April 2012, the Government undertook a re-prioritization of key areas of intervention and identified

Infrastructure (Energy and Transport); Export Diversification (Agriculture, Mining); Private Sector Development; and Tourism as short term key drivers of growth.

47. In 2012 the Ministry of Agriculture launched the Agriculture Sector Gender, HIV and AIDS Strategy for the period 2012 to 2017. The goal of this Strategy is to contribute to sustainable and equitable food, nutrition and income security at national, community and household level through the empowerment of women and other vulnerable gender categories. The strategy has 3 pillars and these are: Quality participation of women and other vulnerable gender categories in Agriculture Sector Wide Approach (ASWAp) focus areas and key support services; Gender, HIV and AIDS responsive technology generation and dissemination and Effective coordination, capacity building and resource mobilization. The strategy was developed through a national participatory process, which involved consultations with a wide range of stakeholders at all levels. The main guiding documents for the strategy are: ASWAp; the draft National Gender Policy; and the National HIV and AIDS Action Framework. It is also aligned with the objectives of the Millennium Development Goals and the Malawi Growth and Development Strategy.

48. In the agriculture sector, women provide 70 percent of the workforce and produce 80 percent of food for home consumption. However, there are disparities between men and women in their access to and control over agriculture production resources such as land, credit, extension services, farm implements and inputs. Furthermore, the participation of women in decision-making in the sector is also limited as the process is dominated by men. Women, especially widows, are most affected as they generally experience agricultural related property-grabbing including land, oxen, ploughs and inputs. They also have limited access to agricultural markets due to lack of transport, technology and price negotiation skills. Malawi continues to experience severe HIV and AIDS epidemic with prevalence rates among sexually active adults relatively higher among females at 12.9 percent than males at 8.1 percent. The effects of HIV and AIDS on agriculture include loss of persons in their most economically productive years due to death which affects both the quality and quantity of agricultural labour. AIDS related illnesses and deaths have resulted in loss of assets, income, intergenerational and technical skills, knowledge and practices thereby negatively affecting agriculture production and productivity.

49. In 2010 Malawi progress report showed that the country was on course to achieve five of the eight Millennium Development Goals. These are eradication of extreme poverty and hunger, reduction of child mortality rate, combating HIV, AIDS, Malaria and other diseases, ensure environmental sustainability, and develop global partnership for development. Revised 2012 to 2014 indicators show that Malawi has got mixed results in terms of progress in achieving MDGs and is on course to achieve possibly half of the eight millennium development goals and these are: reducing child mortality; combating HIV and AIDS, malaria and other diseases; ensuring environmental sustainability; and developing global partnership for development.

HIV and AIDS

50. In December, 2011, Government adopted the National HIV and AIDS Strategic Plan (NSP), 2011–2016 as a follow-up on the NAF, 2004–2009, which was extended to 2012. The NSP seeks to provide guidance to the national response to the HIV and AIDS epidemic by building on the gains of the previous policy instruments. The NSP also aims at reducing new infections by 20% through the reduction of child infections by 30% and adult infections by 15%. The NSP aims at reducing AIDS-related deaths by 8% generally and to reduce child AIDS-related deaths by 50%.

51. The NSP also aims at reducing new infections among people in the 15–24 years age group. The NSP has five priority areas of (a) prevention of primary and secondary transmission of HIV; (b) improvement in the quality of treatment, care and support services for PLHIV; (c) reduction of vulnerability to HIV infection among various population groups; (d) strengthening multi-sectoral and multi-disciplinary coordination and implementation of HIV and AIDS programmes; and (e) strengthening monitoring and evaluation of the national HIV and AIDS response.

Sexual and reproductive health

52. Government is committed to offer comprehensive sexual and reproductive health and rights services in tandem with the international, regional and national policies such as the 1994 International Conference on Population and Development (ICPD) Programme of Action; ICPD + 10; Millennium Development Goals (MDGs); African Union Sexual and Reproductive Health Rights (SRHR) Policy Guidelines; the African Union Health Strategy; the Southern Africa Development Community Health Strategy; and the Maputo Plan of Action. Other national policies are the Malawi Reproductive Health Strategy 2006-2010; the Malawi Reproductive Health Service Delivery Guidelines; the Road Map for Accelerating the Reduction of Maternal and Neonatal Mortality and Morbidity in Malawi; the Malawi Accelerated Child Survival and Development Strategy; the National Gender Policy; and the Malawi Population Policy.

53. From 2009, Government embarked on a National Safe Motherhood Programme which aims at mainly at reducing maternal mortality ratio which stood at 675 per 100,000 births. In 2013, that as a result of the Presidential Initiative on safe motherhood, the maternal mortality ratio has significantly reduced to 460 per 100,000 live births. In 2012, the Presidential Initiative encouraged Traditional Leaders to take their role in preventing maternal mortality and discourage the use of Traditional Birth Attendants (TBAs).

54. Government is reviewing abortion related laws including criminalization of abortion through a very consultative process with the aim of coming up with legislation that will address issues of unsafe abortion, maternal mortality and sexual and reproductive health.

Cooperation

55. Government has formed a number of partnerships with local and international partners who provide financial and technical assistance in the execution of its policies and programmes. These partners include the United Nations and its bodies which offer support depending on their mandate. These bodies include the United Nations Development Programme (UNDP); United Nations Children's Fund (UNICEF); United Nations Population Fund (UNFPA); and United Nations High Commissioner for Refugees (UNHCR). Government also works with the African Union and its various bodies in various areas of cooperation. At regional level, the partnership between Government and the Southern African Development Community (SADC) in order to achieve its development agenda.

56. Government also benefits from its bilateral relations with other Governments, key among which are the United Kingdom; the United States of America; the European Union; Canada; Germany; Australia; South Africa; and many more. Government has a broad working relationship with civil society organizations. As already indicated above, civil society organizations took part in the compilation of this Report and this process is followed in the compilation of all State Party Reports for Malawi.

Annex

National task force on Universal Periodic Review

1. Ministry of Justice and Constitutional Affairs;
2. Office of the President and Cabinet;
3. Ministry of Foreign Affairs and International Cooperation;
4. Ministry of Education;
5. Ministry of Agriculture and Food Security;
6. Ministry of Finance and Economic Planning and Development;
7. Ministry of Home Affairs;
8. Ministry of Gender, Children, Disabilities and Social Welfare;
9. Ministry of Labour and Manpower Development;
10. Ministry of Health;
11. Ministry of Lands and Urban Development;
12. The Judiciary;
13. The National Assembly;
14. Malawi Police Service;
15. Malawi Prisons Service;
16. National Statistical Office;
17. Human Rights Commission;
18. Law Commission;
19. Office of the Ombudsman;
20. Anti-Corruption Bureau;
21. Public Affairs Committee;
22. Centre for Human Rights and Rehabilitation;
23. Malawi Law Society;
24. Centre for the Development of People;
25. Catholic Commission for Justice and Peace;
26. Ipas;
27. Centre for Human Rights Education, Advice and Assistance;
28. Paralegal Advisory Service.